

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 10A.104(5) and 135C.14, the Department of Inspections and Appeals hereby gives Notice of Intended Action to amend Chapter 57, “Residential Care Facilities,” Chapter 62, “Residential Care Facilities for Persons with Mental Illness (RCF/PMI),” and Chapter 63, “Residential Care Facilities for the Intellectually Disabled,” Iowa Administrative Code.

The proposed amendments eliminate the requirement that an individual first must be a certified nursing assistant (CNA) before becoming a certified medication aide (CMA) in residential care facilities, including facilities for persons with mental illness and facilities for the intellectually disabled. Eliminating this requirement will permit an individual to become trained as a CMA without first being trained as a CNA. The proposed amendments also eliminate references to a residential aide course as this course is no longer available.

While the proposed amendments require all medication managers working in facilities licensed for 15 or fewer beds to take the new CMA training, medication managers are permitted a three-year period in which to complete the training.

Adoption of these proposed amendments will allow residential care facilities to more easily hire CMAs. The Department understands that it is difficult for residential care facilities to hire CMAs to work in smaller facilities when a CMA is expected to become a CNA before becoming a CMA. The University of Iowa is developing a training program for individuals wishing to become CMAs.

The Department does not believe that the proposed amendments will pose any financial hardship on any regulated entity or individual.

The State Board of Health initially reviewed the proposed amendments at its January 13, 2016, meeting.

Any interested person may make written suggestions or comments on the proposed amendments on or before February 23, 2016. Such written materials should be addressed to the Director, Department of Inspections and Appeals, Lucas State Office Building, Third Floor, 321 East 12th Street, Des Moines, Iowa 50319-0083; faxed to (515)242-6863; or e-mailed to david.werning@dia.iowa.gov.

After analysis and review of this rule making, it has been determined that adoption of the proposed amendments may increase employment opportunities for individuals seeking jobs as CMAs.

These amendments are intended to implement Iowa Code section 135C.14.

The following amendments are proposed.

ITEM 1. Amend paragraph **57.19(3)“d”** as follows:

d. Prior to taking a department-approved medication aide course, the person shall: have a letter of recommendation for admission to the medication aide course from the employing facility. (III)

~~(1) Successfully complete an approved residential aide course, nurse aide course, nurse aide training and testing program or nurse aide competency examination; (III)~~

~~(2) Have a letter of recommendation for admission to the medication aide course from the employing facility. (III)~~

ITEM 2. Rescind paragraph **57.19(3)“g”** and adopt the following **new** paragraph in lieu thereof:

g. A person who is employed in a facility as a medication manager must within 36 months from [the effective date of this paragraph] successfully complete a department-approved medication aide course. (III)

ITEM 3. Amend paragraph **62.15(2)“d”** as follows:

d. Prior to taking a department-approved medication aide course, the individual shall: have a letter of recommendation for admission to the medication aide course from the employing facility.

~~(1) Successfully complete an approved residential aide course, nurse aide course, nurse aide training and testing program or nurse aide competency examination;~~

~~(2) Be employed in the same facility for at least six consecutive months prior to the start of the medication aide course. This requirement is not subject to waiver.~~

~~(3) Have a letter of recommendation for admission to the medication aide course from the employing facility.~~

ITEM 4. Amend paragraph **63.18(3)“d”** as follows:

d. Prior to taking a department-approved medication aide course, the individual shall: have a letter of recommendation for admission to the medication aide course from the employing facility.

~~(1) Successfully complete an approved residential aide course, nurse aide course, nurse aide training and testing program or nurse aide competency examination;~~

~~(2) Be employed in the same facility for at least six consecutive months prior to the start of the medication aide course. This requirement is not subject to waiver.~~

~~(3) Have a letter of recommendation for admission to the medication aide course from the employing facility.~~

ITEM 5. Rescind paragraph **63.18(3)“f”** and adopt the following **new** paragraph in lieu thereof:

f. A person who is employed in a facility as a medication manager must within 36 months from [the effective date of this paragraph] successfully complete a department-approved medication aide course. (III)